

REFERENCE TITLE: **reviser's technical corrections; 2006**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2239**

Introduced by  
Representative Konopnicki

### **AN ACT**

AMENDING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 49, SECTION 1; REPEALING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 243, SECTION 1; AMENDING SECTION 11-484, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 49, SECTION 2; REPEALING SECTION 11-484, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 243, SECTION 2; TRANSFERRING SECTION 13-4402.01, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2005, CHAPTER 154, SECTION 1, FOR PLACEMENT IN TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES; AMENDING SECTION 15-2041, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 272, SECTION 4 AND CHAPTER 293, SECTION 1; REPEALING SECTION 15-2041, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 287, SECTION 3; AMENDING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 307, SECTION 6; REPEALING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 312, SECTION 4; AMENDING SECTION 28-3166, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 137, SECTION 5; REPEALING SECTION 28-3166, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 312, SECTION 11; AMENDING SECTION 33-1476.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 326, SECTION 4; REPEALING SECTION 33-1476.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 245, SECTION 4; AMENDING SECTION 33-1476.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 326, SECTION 5; REPEALING SECTION 33-1476.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 245, SECTION 5; AMENDING SECTION 41-723, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 210, SECTION 11; REPEALING

SECTION 41-723, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 331, SECTION 9; REPEALING LAWS 2005, CHAPTER 314, SECTIONS 1 AND 4; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 11-483, Arizona Revised Statutes, was amended by Laws 2005,  
4 chapter 49, section 1 and Laws 2005, chapter 243, section 1. These two  
5 versions could not be blended because of the delayed effective date of the  
6 chapter 243 version. In order to combine these two versions, this act amends  
7 the Laws 2005, chapter 49 version of section 11-483, Arizona Revised  
8 Statutes, to incorporate the amendments made by Laws 2005, chapter 243 and  
9 the chapter 243 version is repealed.

10 2. Section 11-484, Arizona Revised Statutes, was amended by Laws 2005,  
11 chapter 49, section 2 and Laws 2005, chapter 243, section 2. These two  
12 versions could not be blended because of the delayed effective date of the  
13 chapter 243 version. In order to combine these two versions, this act amends  
14 the Laws 2005, chapter 49 version of section 11-484, Arizona Revised  
15 Statutes, to incorporate the amendments made by Laws 2005, chapter 243 and  
16 the chapter 243 version is repealed.

17 3. Section 13-4402.01, Arizona Revised Statutes, was added by Laws  
18 2005, chapter 154, section 1 to title 13, chapter 38, article 29, Arizona  
19 Revised Statutes. However, this section is part of title 13, chapter 40,  
20 Arizona Revised Statutes. In order to correct a potentially defective  
21 enactment, this act transfers section 13-4402.01, Arizona Revised Statutes,  
22 as added by Laws 2005, chapter 154, section 1, for placement in title 13,  
23 chapter 40, Arizona Revised Statutes.

24 4. Section 15-2041, Arizona Revised Statutes, was amended by Laws  
25 2005, chapter 272, section 4, Laws 2005, chapter 287, section 3 and Laws  
26 2005, chapter 293, section 1. The chapter 287 version could not be blended  
27 because of the delayed effective date. In order to combine these versions,  
28 this act amends the Laws 2005 blended version of section 15-2041, Arizona  
29 Revised Statutes, to incorporate the amendments made by Laws 2005, chapter  
30 287 and the chapter 287 version is repealed.

31 5. Section 28-1383, Arizona Revised Statutes, was amended by Laws  
32 2005, chapter 307, section 6 and Laws 2005, chapter 312, section 4. These  
33 two versions could not be blended because of the delayed effective date of  
34 the chapter 312 version. In order to combine these two versions, this act  
35 amends the Laws 2005, chapter 307 version of section 28-1383, Arizona Revised  
36 Statutes, to incorporate the amendments made by Laws 2005, chapter 312 and  
37 the chapter 312 version is repealed.

38 6. Section 28-3166, Arizona Revised Statutes, was amended by Laws  
39 2005, chapter 137, section 5 and Laws 2005, chapter 312, section 11. These  
40 two versions could not be blended because of the delayed effective date of  
41 the chapter 312 version. In order to combine these two versions, this act  
42 amends the Laws 2005, chapter 137 version of section 28-3166, Arizona Revised  
43 Statutes, to incorporate the amendments made by Laws 2005, chapter 312 and  
44 the chapter 312 version is repealed.

7. Section 33-1476.01, Arizona Revised Statutes, was amended by Laws 2005, chapter 245, section 4 and Laws 2005, chapter 326, section 4. These two versions could not be blended because of the delayed effective date of the chapter 245 version. In order to combine these two versions, this act amends the Laws 2005, chapter 326 version of section 33-1476.01, Arizona Revised Statutes, to incorporate the amendments made by Laws 2005, chapter 245 and the chapter 245 version is repealed.

8. Section 33-1476.02, Arizona Revised Statutes, was amended by Laws 2005, chapter 245, section 5 and Laws 2005, chapter 326, section 5. These two versions could not be blended because of the delayed effective date of the chapter 245 version. In order to combine these two versions, this act amends the Laws 2005, chapter 326 version of section 33-1476.02, Arizona Revised Statutes, to incorporate the amendments made by Laws 2005, chapter 245 and the chapter 245 version is repealed.

9. Section 41-723, Arizona Revised Statutes, was amended by Laws 2005, chapter 331, section 9. However, this version did not reflect the previous valid version of the section. In order to comply with article IV, part 2, section 14, Constitution of Arizona, this act amends section 41-723, Arizona Revised Statutes, as amended by Laws 2002, chapter 210, section 11, to incorporate the amendments made by Laws 2005, chapter 331 and the chapter 331 version is repealed.

10. Laws 2005, chapter 314, section 1 and Laws 2005, chapter 330, section 15 added identical language. Laws 2005, chapter 314, section 4 provides for the delayed repeal of Laws 2005, chapter 314, section 1. In order to eliminate the double amendment activity, this act repeals Laws 2005, chapter 314, sections 1 and 4.

Sec. 2. Section 11-483, Arizona Revised Statutes, as amended by Laws 2005, chapter 49, section 1, is amended to read:

11-483. Records maintained by county recorder; confidentiality; definitions

A. Notwithstanding any other provision of this article, in ~~counties with a population of more than five hundred thousand persons~~ ANY COUNTY a peace officer, justice, judge, commissioner, public defender, prosecutor, victim of domestic violence or stalking or person who is protected under an order of protection or injunction against harassment may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the recorder to prohibit access to that person's residential address and telephone number contained in instruments or writings recorded by the county recorder and made available on the internet.

B. A peace officer, justice, judge, commissioner, public defender, prosecutor, victim of domestic violence or stalking or person who is protected under an order of protection or injunction against harassment may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts

1 in agreement with an association of counties, an organization of peace  
2 officers and the motor vehicle division of the department of transportation:

3 1. The person's full legal name and residential address.

4 2. The full legal description and parcel number of the person's  
5 property.

6 3. The position the person currently holds and a description of the  
7 person's duties, except that a person who is a victim of domestic violence or  
8 stalking shall instead state that the person is a victim of domestic violence  
9 or stalking and shall attach documentation supporting the claim, including a  
10 true and correct copy of any of the following:

11 (a) Findings from a court of competent jurisdiction.

12 (b) Police reports.

13 (c) Medical records.

14 (d) Child protective services records.

15 (e) Domestic violence shelter records.

16 (f) School records.

17 4. The reasons the person reasonably believes that the person's life  
18 or safety or that of another person is in danger and that restricting access  
19 pursuant to this section will serve to reduce the danger.

20 5. The document locator number and recording date of each instrument  
21 for which the person requests access restriction pursuant to this section.

22 6. A copy of pages from each instrument that includes the document  
23 locator number and the person's full legal name and residential address or  
24 full legal name and telephone number.

25 C. If a peace officer, justice, judge, commissioner, public defender,  
26 prosecutor, victim of domestic violence or stalking or person who is  
27 protected under an order of protection or injunction against harassment is  
28 also requesting pursuant to section 11-484 that the general public be  
29 prohibited from accessing records maintained by the county assessor and  
30 county treasurer, the peace officer, justice, judge, commissioner, public  
31 defender, prosecutor, victim of domestic violence or stalking or person who  
32 is protected under an order of protection or injunction against harassment  
33 may combine the request pursuant to subsection B of this section with the  
34 request pursuant to section 11-484 by filing one affidavit. The affidavit  
35 and subsequent action by the appropriate authorities shall meet all of the  
36 requirements of this section and section 11-484.

37 D. The affidavit shall be filed with the presiding judge of the  
38 superior court in the county in which the affiant resides. To prevent a  
39 multiplicity of filings, a peace officer, public defender or prosecutor shall  
40 deliver the affidavit to the peace officer's commanding officer, or to the  
41 head of the prosecuting or public defender agency, as applicable, or that  
42 person's designee, who shall file the affidavits at one time. In the absence  
43 of an affidavit that contains a request for immediate action and that is  
44 supported by facts justifying an earlier presentation, the commanding  
45 officer, or the head of the prosecuting or public defender agency, as

1 applicable, or that person's designee, shall not file affidavits more often  
2 than quarterly.

3 E. On receipt of an affidavit or affidavits, the presiding judge of  
4 the superior court shall file with the clerk of the superior court a petition  
5 on behalf of all requesting affiants. Each affidavit presented shall be  
6 attached to the petition. In the absence of an affidavit that contains a  
7 request for immediate action and that is supported by facts justifying an  
8 earlier consideration, the presiding judge may accumulate affidavits and file  
9 a petition at the end of each quarter.

10 F. The presiding judge of the superior court shall review the petition  
11 and each attached affidavit to determine whether the action requested by each  
12 affiant should be granted. If the presiding judge of the superior court  
13 concludes that the action requested by the affiant will reduce a danger to  
14 the life or safety of the affiant or another person, the presiding judge of  
15 the superior court shall order that the recorder prohibit access for five  
16 years to the affiant's residential address and telephone number contained in  
17 instruments or writings recorded by the county recorder and made available on  
18 the internet. If the presiding judge of the superior court concludes that  
19 the affiant or another person is in actual danger of physical harm from a  
20 person or persons with whom the affiant has had official dealings and that  
21 action pursuant to this section will reduce a danger to the life or safety of  
22 the affiant or another person, the presiding judge of the superior court  
23 shall order that the general public be prohibited for five years from  
24 accessing the unique identifier and the recording date contained in indexes  
25 of recorded instruments maintained by the county recorder and identified  
26 pursuant to subsection B of this section.

27 G. On motion to the court, if the presiding judge of the superior  
28 court concludes that an instrument or writing recorded by the county recorder  
29 has been redacted or sealed in error, that the original affiant no longer  
30 lives at the address listed in the original affidavit, that the cause for the  
31 original affidavit no longer exists or that temporary access to the  
32 instrument or writing is needed, the presiding judge may temporarily stay or  
33 permanently vacate all or part of the court order prohibiting public access  
34 to the recorded instrument or writing.

35 H. On entry of the court order, the clerk of the superior court shall  
36 file the court order and a copy of the affidavit required by subsection B of  
37 this section with the county recorder. No more than ten days after the date  
38 on which the county recorder receives the court order, the county recorder  
39 shall restrict access to the information as required by subsection F of this  
40 section.

41 I. If the court denies an affiant's request pursuant to this section,  
42 the affiant may request a court hearing. The hearing shall be conducted by  
43 the court in the county where the petition was filed.

1 J. The recorder shall remove the restrictions on all records  
2 restricted pursuant to this section by January 5 in the year after the court  
3 order expires.

4 K. To include subsequent recordings in the court order, the peace  
5 officer, justice, judge, commissioner, public defender, prosecutor, victim of  
6 domestic violence or stalking or person who is protected under an order of  
7 protection or injunction against harassment shall present to the county  
8 recorder at the time of recordation a certified copy of the court order. The  
9 recorder shall ensure that public access shall be restricted pursuant to  
10 subsection A of this section.

11 L. This section shall not be interpreted to restrict access to public  
12 records for the purposes of perfecting a lien pursuant to title 12, chapter  
13 9, article 2.

14 M. This section does not prohibit access to the records of the county  
15 recorder by parties to the instrument, a title insurer, a title insurance  
16 agent or an escrow agent licensed by the department of insurance or the  
17 department of banking.

18 N. For the purposes of this section:

19 1. "Commissioner" means a commissioner of the superior court.

20 2. "Indexes" means only those indexes that are maintained by and  
21 located in the office of the county recorder, that are accessed  
22 electronically and that contain information beginning from and after January  
23 1, 1987.

24 3. "Judge" means a judge of the United States district court, the  
25 United States court of appeals, the United States magistrate court, the  
26 United States bankruptcy court, the Arizona court of appeals, the superior  
27 court or a municipal court.

28 4. "Justice" means a justice of the United States or Arizona supreme  
29 court or a justice of the peace.

30 5. "Peace officer" means any person vested by law, or formerly vested  
31 by law, with a duty to maintain public order and make arrests.

32 6. "Prosecutor" means a county attorney, a municipal prosecutor, the  
33 attorney general or a United States attorney and includes an assistant or  
34 deputy United States attorney, county attorney, municipal prosecutor or  
35 attorney general.

36 7. "Public defender" means a federal public defender, county public  
37 defender, county legal defender or county contract indigent defense counsel  
38 and includes an assistant or deputy federal public defender, county public  
39 defender or county legal defender.

40 8. "Stalking" means the course of conduct prescribed in section  
41 13-2923.

42 9. "Victim of domestic violence" means a person who is a victim of an  
43 offense defined in section 13-3601.

1           Sec. 3. Repeal

2           Section 11-483, Arizona Revised Statutes, as amended by Laws 2005,  
3 chapter 243, section 1, is repealed.

4           Sec. 4. Section 11-484, Arizona Revised Statutes, as amended by Laws  
5 2005, chapter 49, section 2, is amended to read:

6           11-484. Records maintained by county assessor and county  
7           treasurer; redaction; definitions

8           A. Notwithstanding any other provision of this article, in ~~counties~~  
9 ~~with a population of more than five hundred thousand persons~~ ANY COUNTY a  
10 peace officer, justice, judge, commissioner, public defender, prosecutor,  
11 victim of domestic violence or stalking or person who is protected under an  
12 order of protection or injunction against harassment may request that the  
13 general public be prohibited from accessing that person's residential address  
14 and telephone number that are contained in instruments, writings and  
15 information maintained by the county assessor and the county treasurer.

16           B. A peace officer, justice, judge, commissioner, public defender,  
17 prosecutor, victim of domestic violence or stalking or person who is  
18 protected under an order of protection or injunction against harassment may  
19 request this action by filing an affidavit that states all of the following  
20 on an application form developed by the administrative office of the courts  
21 in agreement with an association of counties, an organization of peace  
22 officers and the motor vehicle division of the department of transportation:

23           1. The person's full legal name and residential address.  
24           2. The full legal description and parcel number of the person's  
25 property.

26           3. The position the person currently holds and a description of the  
27 person's duties, except that a person who is a victim of domestic violence or  
28 stalking shall state that the person is a victim of domestic violence or  
29 stalking and shall attach documentation supporting the claim, including a  
30 true and correct copy of any of the following:

- 31           (a) Findings from a court of competent jurisdiction.
- 32           (b) Police reports.
- 33           (c) Medical records.
- 34           (d) Child protective services records.
- 35           (e) Domestic violence shelter records.
- 36           (f) School records.

37           4. The reasons the person reasonably believes that the person's life  
38 or safety or that of another person is in danger and that redacting the  
39 residential address and telephone number will serve to reduce the danger.

40           C. If a peace officer, justice, judge, commissioner, public defender,  
41 prosecutor, victim of domestic violence or stalking or person who is  
42 protected under an order of protection or injunction against harassment is  
43 also requesting pursuant to section 11-483 that the general public be  
44 prohibited from accessing records maintained by the county recorder, the  
45 peace officer, justice, judge, commissioner, public defender, prosecutor,



1 victim of domestic violence or stalking or person who is protected under an  
2 order of protection or injunction against harassment may combine the request  
3 pursuant to subsection B of this section with the request pursuant to section  
4 11-483 by filing one affidavit. The affidavit and subsequent action by the  
5 appropriate authorities shall meet all of the requirements of this section  
6 and section 11-483.

7 D. The affidavit shall be filed with the presiding judge of the  
8 superior court in the county in which the affiant resides. To prevent a  
9 multiplicity of filings, a peace officer, public defender or prosecutor shall  
10 deliver the affidavit to the peace officer's commanding officer, or to the  
11 head of the prosecuting or public defender agency, as applicable, or that  
12 person's designee, who shall file the affidavits at one time. In the absence  
13 of an affidavit that contains a request for immediate action and that is  
14 supported by facts justifying an earlier presentation, the commanding  
15 officer, or the head of the prosecuting or public defender agency, as  
16 applicable, or that person's designee, shall not file affidavits more often  
17 than quarterly.

18 E. On receipt of an affidavit or affidavits, the presiding judge of  
19 the superior court shall file with the clerk of the superior court a petition  
20 on behalf of all requesting affiants. Each affidavit presented shall be  
21 attached to the petition. In the absence of an affidavit that contains a  
22 request for immediate action and that is supported by facts justifying an  
23 earlier consideration, the presiding judge may accumulate affidavits and file  
24 a petition at the end of each quarter.

25 F. The presiding judge of the superior court shall review the petition  
26 and each attached affidavit to determine whether the action requested by each  
27 affiant should be granted. If the presiding judge of the superior court  
28 concludes that the action requested by the affiant will reduce a danger to  
29 the life or safety of the affiant or another person, the presiding judge of  
30 the superior court shall order the redaction of the affiant's residential  
31 address and telephone number that are contained in instruments, writings and  
32 information maintained by the county assessor and the county treasurer. The  
33 redaction shall be in effect for five years.

34 G. On motion to the court, if the presiding judge of the superior  
35 court concludes that an instrument or writing maintained by the county  
36 assessor or the county treasurer has been redacted or sealed in error, that  
37 the original affiant no longer lives at the address listed in the original  
38 affidavit, that the cause for the original affidavit no longer exists or that  
39 temporary access to the instrument or writing is needed, the presiding judge  
40 may temporarily stay or permanently vacate all or part of the court order  
41 prohibiting public access to the instrument or writing.

42 H. On entry of the court order, the clerk of the superior court shall  
43 file the court order and a copy of the affidavit required by subsection B of  
44 this section with the county assessor and the county treasurer. No more than  
45 ten days after the date on which the county assessor and the county treasurer

1 receive the court order, the county assessor and the county treasurer shall  
2 restrict access to the information as required by subsection F of this  
3 section.

4 I. If the court denies an affiant's request pursuant to this section,  
5 the affiant may request a court hearing. The hearing shall be conducted by  
6 the court in the county where the petition was filed.

7 J. The county assessor and the county treasurer shall remove the  
8 restrictions on all records that are redacted pursuant to this section by  
9 January 5 in the year after the court order expires.

10 K. For the purposes of this section:

11 1. "Commissioner" means a commissioner of the superior court.

12 2. "Judge" means a judge of the United States district court, the  
13 United States court of appeals, the United States magistrate court, the  
14 United States bankruptcy court, the Arizona court of appeals, the superior  
15 court or a municipal court.

16 3. "Justice" means a justice of the United States or Arizona supreme  
17 court or a justice of the peace.

18 4. "Peace officer" means any person vested by law, or formerly vested  
19 by law, with a duty to maintain public order and make arrests.

20 5. "Prosecutor" means a county attorney, a municipal prosecutor, the  
21 attorney general or a United States attorney and includes an assistant or  
22 deputy United States attorney, county attorney, municipal prosecutor or  
23 attorney general.

24 6. "Public defender" means a federal public defender, county public  
25 defender, county legal defender or county contract indigent defense counsel  
26 and includes an assistant or deputy federal public defender, county public  
27 defender or county legal defender.

28 7. "Stalking" means the course of conduct prescribed in section  
29 13-2923.

30 8. "Victim of domestic violence" means a person who is a victim of an  
31 offense defined in section 13-3601.

32 Sec. 5. Repeal

33 Section 11-484, Arizona Revised Statutes, as amended by Laws 2005,  
34 chapter 243, section 2, is repealed.

35 Sec. 6. Transfer

36 Section 13-4402.01, Arizona Revised Statutes, as added by Laws 2005,  
37 chapter 154, section 1, is transferred for placement in title 13, chapter 40,  
38 Arizona Revised Statutes.

39 Sec. 7. Section 15-2041, Arizona Revised Statutes, as amended by Laws  
40 2005, chapter 272, section 4 and chapter 293, section 1, is amended to read:

41 15-2041. New school facilities fund; capital plan; report

42 A. A new school facilities fund is established consisting of monies  
43 appropriated by the legislature and monies credited to the fund pursuant to  
44 section 37-221 ~~or 42-5030.01~~. The school facilities board shall administer  
45 the fund and distribute monies, as a continuing appropriation, to school

1 districts for the purpose of constructing new school facilities. On June 30  
2 of each fiscal year, any unobligated contract monies in the new school  
3 facilities fund shall be transferred to the capital reserve fund established  
4 by section 15-2003.

5 B. The school facilities board shall prescribe a uniform format for  
6 use by the school district governing board in developing and annually  
7 updating a capital plan that consists of each of the following:

8 1. Enrollment projections for the next five years for elementary  
9 schools and eight years for middle and high schools, including a description  
10 of the methods used to make the projections.

11 2. A description of new schools or additions to existing schools  
12 needed to meet the building adequacy standards prescribed in section 15-2011.  
13 The description shall include:

14 (a) The grade levels and the total number of pupils that the school or  
15 addition is intended to serve.

16 (b) The year in which it is necessary for the school or addition to  
17 begin operations.

18 (c) A timeline that shows the planning and construction process for  
19 the school or addition.

20 3. Long-term projections of the need for land for new schools.

21 4. Any other necessary information required by the school facilities  
22 board to evaluate a school district's capital plan.

23 5. If a school district pays tuition for all or a portion of the  
24 school district's high school pupils to another school district, the capital  
25 plan shall indicate the number of pupils for which the district pays tuition  
26 to another district. If a school district accepts pupils from another school  
27 district pursuant to section 15-824, subsection A, the school district shall  
28 indicate the projections for this population separately. This paragraph does  
29 not apply to a small isolated school district as defined in section 15-901.

30 C. If the capital plan indicates a need for a new school or an  
31 addition to an existing school within the next four years or a need for land  
32 within the next ten years, the school district shall submit its plan to the  
33 school facilities board by September 1 and shall request monies from the new  
34 school facilities fund for the new construction or land. Monies provided for  
35 land shall be in addition to any monies provided pursuant to subsection D of  
36 this section.

37 D. The school facilities board shall distribute monies from the new  
38 school facilities fund as follows:

39 1. The school facilities board shall review and evaluate the  
40 enrollment projections and either approve the projections as submitted or  
41 revise the projections. In determining new construction requirements, the  
42 school facilities board shall determine the net new growth of pupils that  
43 will require additional square footage that exceeds the building adequacy  
44 standards prescribed in section 15-2011. If the projected growth and the  
45 existing number of pupils exceeds three hundred fifty pupils who are served

1 in a school district other than the pupil's resident school district, the  
2 school facilities board, the receiving school district and the resident  
3 school district shall develop a capital facilities plan on how to best serve  
4 those pupils. A small isolated school district as defined in section 15-901  
5 is not required to develop a capital facilities plan pursuant to this  
6 paragraph.

7 2. If the approved projections indicate that additional space will not  
8 be needed within the next two years for elementary schools or three years for  
9 middle or high schools in order to meet the building adequacy standards  
10 prescribed in section 15-2011, the request shall be held for consideration by  
11 the school facilities board for possible future funding and the school  
12 district shall annually submit an updated plan until the additional space is  
13 needed.

14 3. If the approved projections indicate that additional space will be  
15 needed within the next two years for elementary schools or three years for  
16 middle or high schools in order to meet the building adequacy standards  
17 prescribed in section 15-2011, the school facilities board shall provide an  
18 amount as follows:

19 (a) Determine the number of pupils requiring additional square footage  
20 to meet building adequacy standards. This amount for elementary schools  
21 shall not be less than the number of new pupils for whom space will be needed  
22 in the next year and shall not exceed the number of new pupils for whom space  
23 will be needed in the next five years. This amount for middle and high  
24 schools shall not be less than the number of new pupils for whom space will  
25 be needed in the next four years and shall not exceed the number of new  
26 pupils for whom space will be needed in the next eight years.

27 (b) Multiply the number of pupils determined in subdivision (a) of  
28 this paragraph by the square footage per pupil. The square footage per pupil  
29 is ninety square feet per pupil for preschool children with disabilities,  
30 kindergarten programs and grades one through six, one hundred square feet for  
31 grades seven and eight, one hundred thirty-four square feet for a school  
32 district that provides instruction in grades nine through twelve for fewer  
33 than one thousand eight hundred pupils and one hundred twenty-five square  
34 feet for a school district that provides instruction in grades nine through  
35 twelve for at least one thousand eight hundred pupils. The total number of  
36 pupils in grades nine through twelve in the district shall determine the  
37 square footage factor to use for net new pupils. The school facilities board  
38 may modify the square footage requirements prescribed in this subdivision for  
39 particular schools based on any of the following factors:

40 (i) The number of pupils served or projected to be served by the  
41 school district.

42 (ii) Geographic factors.

43 (iii) Grade configurations other than those prescribed in this  
44 subdivision.

1 (iv) Compliance with minimum school facility adequacy requirements  
2 established pursuant to section 15-2011.

3 (c) Multiply the product obtained in subdivision (b) of this paragraph  
4 by the cost per square foot. The cost per square foot is ninety dollars for  
5 preschool children with disabilities, kindergarten programs and grades one  
6 through six, ninety-five dollars for grades seven and eight and one hundred  
7 ten dollars for grades nine through twelve. The cost per square foot shall  
8 be adjusted annually for construction market considerations based on an index  
9 identified or developed by the joint legislative budget committee as  
10 necessary but not less than once each year. The school facilities board  
11 shall multiply the cost per square foot by 1.05 for any school district  
12 located in a rural area. The school facilities board may modify the base  
13 cost per square foot prescribed in this subdivision for particular schools  
14 based on geographic conditions or site conditions. For the purposes of this  
15 subdivision, "rural area" means an area outside a thirty-five mile radius of  
16 a boundary of a municipality with a population of more than fifty thousand  
17 persons.

18 (d) Once the school district governing board obtains approval from the  
19 school facilities board for new facility construction funds, additional  
20 portable or modular square footage created for the express purpose of  
21 providing temporary space for pupils until the completion of the new facility  
22 shall not be included by the school facilities board for the purpose of new  
23 construction funding calculations. On completion of the new facility  
24 construction project, if the portable or modular facilities continue in use,  
25 the portable or modular facilities shall be included as prescribed by this  
26 chapter, unless the school facilities board approves their continued use for  
27 the purpose of providing temporary space for pupils until the completion of  
28 the next new facility that has been approved for funding from the new school  
29 facilities fund.

30 4. For projects approved after December 31, 2001, and notwithstanding  
31 paragraph 3 of this subsection, a unified school district that does not have  
32 a high school is not eligible to receive high school space as prescribed by  
33 section 15-2011 and this section unless the unified district qualifies for  
34 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of  
35 this subsection.

36 E. Monies for architectural and engineering fees, project management  
37 and preconstruction services shall be distributed on the completion of the  
38 analysis by the school facilities board of the school district's request.  
39 After receiving monies pursuant to this subsection, the school district shall  
40 submit a design development plan for the school or addition to the school  
41 facilities board before any monies for construction are distributed. If the  
42 school district's request meets the building adequacy standards, the school  
43 facilities board may review and comment on the district's plan with respect  
44 to the efficiency and effectiveness of the plan in meeting state square  
45 footage and facility standards before distributing the remainder of the

1 monies. If the school facilities board modifies the cost per square foot as  
2 prescribed in subsection D, paragraph 3, subdivision (c), the school  
3 facilities board may deduct the cost of project management services and  
4 preconstruction services from the required cost per square foot. The school  
5 facilities board may decline to fund the project if the square footage is no  
6 longer required due to revised enrollment projections.

7 F. The school facilities board shall distribute the monies needed for  
8 land for new schools so that land may be purchased at a price that is less  
9 than or equal to fair market value and in advance of the construction of the  
10 new school. If necessary, the school facilities board may distribute monies  
11 for land to be leased for new schools if the duration of the lease exceeds  
12 the life expectancy of the school facility by at least fifty per cent. The  
13 proceeds derived through the sale of any land purchased or partially  
14 purchased with monies provided by the school facilities board shall be  
15 returned to the state fund from which it was appropriated and to any other  
16 participating entity on a proportional basis. If a school district acquires  
17 real property by donation at an appropriate school site approved by the  
18 school facilities board, the school facilities board shall distribute an  
19 amount equal to twenty per cent of the fair market value of the donated real  
20 property that can be used for academic purposes. The school district shall  
21 place the monies in the unrestricted capital outlay fund and increase the  
22 unrestricted capital outlay limit by the amount of monies placed in the  
23 fund. Monies distributed under this subsection shall be distributed from the  
24 new school facilities fund. A school district shall not pay a consultant a  
25 percentage of the value of any of the following:

26 1. Donations of real property, services or cash from any of the  
27 following:

28 (a) Entities that have offered to provide construction services to the  
29 school district.

30 (b) Entities that have been contracted to provide construction  
31 services to the school district.

32 (c) Entities that build residential units in that school district.

33 (d) Entities that develop land for residential use in that school  
34 district.

35 2. Monies received from the school facilities board on behalf of the  
36 school district.

37 3. Monies paid by the school facilities board on behalf of the school  
38 district.

39 G. In addition to distributions to school districts based on pupil  
40 growth projections, a school district may submit an application to the school  
41 facilities board for monies from the new school facilities fund if one or  
42 more school buildings have outlived their useful life. If the school  
43 facilities board determines that the school district needs to build a new  
44 school building for these reasons, the school facilities board shall remove  
45 the square footage computations that represent the building from the

1 computation of the school district's total square footage for purposes of  
2 this section. If the square footage recomputation reflects that the school  
3 district no longer meets building adequacy standards, the school district  
4 qualifies for a distribution of monies from the new school construction  
5 formula in an amount determined pursuant to subsection D of this  
6 section. Buildings removed from a school district's total square footage  
7 pursuant to this subsection shall not be included in the computation of  
8 monies from the building renewal fund established by section 15-2031. The  
9 school facilities board may modify the base cost per square foot prescribed  
10 in this subsection under extraordinary circumstances for geographic factors  
11 or site conditions.

12 H. School districts that receive monies from the new school facilities  
13 fund shall establish a district new school facilities fund and shall use the  
14 monies in the district new school facilities fund only for the purposes  
15 prescribed in this section. By October 15 of each year, each school district  
16 shall report to the school facilities board the projects funded at each  
17 school in the previous fiscal year with monies from the district new school  
18 facilities fund and shall provide an accounting of the monies remaining in  
19 the new school facilities fund at the end of the previous fiscal year.

20 I. If a school district has surplus monies received from the new  
21 school facilities fund, the school district may use the surplus monies only  
22 for capital purposes for the project for up to one year after completion of  
23 the project. If the school district possesses surplus monies from the new  
24 school construction project that have not been expended within one year of  
25 the completion of the project, the school district shall return the surplus  
26 monies to the school facilities board for deposit in the new school  
27 facilities fund.

28 J. The board's consideration of any application filed after July 1,  
29 2001 or after December 31 of the year in which the property becomes territory  
30 in the vicinity of a military airport or ancillary military facility as  
31 defined in section 28-8461 for monies to fund the construction of new school  
32 facilities proposed to be located in territory in the vicinity of a military  
33 airport or ancillary military facility shall include, if after notice is  
34 transmitted to the military airport pursuant to section 15-2002 and before  
35 the public hearing the military airport provides comments and analysis  
36 concerning compatibility of the proposed school facilities with the high  
37 noise or accident potential generated by military airport or ancillary  
38 military facility operations that may have an adverse effect on public health  
39 and safety, consideration and analysis of the comments and analysis provided  
40 by the military airport before making a final determination.

41 K. If a school district uses its own project manager for new school  
42 construction, the members of the school district governing board and the  
43 project manager shall sign an affidavit stating that the members and the  
44 project manager understand and will follow the minimum adequacy requirements  
45 prescribed in section 15-2011.

1 L. The school facilities board shall establish a separate account in  
2 the new school facilities fund designated as the litigation account to pay  
3 attorney fees, expert witness fees and other costs associated with litigation  
4 in which the school facilities board pursues the recovery of damages for  
5 deficiencies correction that resulted from alleged construction defects or  
6 design defects that the school facilities board believes caused or  
7 contributed to a failure of the school building to conform to the building  
8 adequacy requirements prescribed in section 15-2011. Attorney fees paid  
9 pursuant to this subsection shall not exceed the market rate for similar  
10 types of litigation. Monies recovered as damages pursuant to this subsection  
11 shall be used to offset debt service on the correction of existing  
12 deficiencies as prescribed by section 15-2021. The joint committee on  
13 capital review shall conduct an annual review of the litigation account,  
14 including the costs associated with current and potential litigation.

15 M. Until the state board of education and the auditor general adopt  
16 rules pursuant to section 15-213, subsection I, the school facilities board  
17 may allow school districts to contract for construction services and  
18 materials through the qualified select bidders list method of project  
19 delivery for new school facilities pursuant to this section.

20 N. The school facilities board shall submit a report on project  
21 management services and preconstruction services to the governor, the  
22 president of the senate and the speaker of the house of representatives by  
23 December 31 of each year. The report shall compare projects that use project  
24 management and preconstruction services with those that do not. The report  
25 shall address cost, schedule and other measurable components of a  
26 construction project. School districts, construction manager at risk firms  
27 and project management firms that participate in a school facilities board  
28 funded project shall provide the information required by the school  
29 facilities board in relation to this report.

30 Sec. 8. Repeal

31 Section 15-2041, Arizona Revised Statutes, as amended by Laws 2005,  
32 chapter 287, section 3, is repealed.

33 Sec. 9. Section 28-1383, Arizona Revised Statutes, as amended by Laws  
34 2005, chapter 307, section 6, is amended to read:

35 28-1383. Aggravated driving or actual physical control while  
36 under the influence; violation; classification;  
37 definition

38 A. A person is guilty of aggravated driving or actual physical control  
39 while under the influence of intoxicating liquor or drugs if the person does  
40 any of the following:

41 1. Commits a violation of section 28-1381, section 28-1382 or this  
42 section while the person's driver license or privilege to drive is suspended,  
43 canceled, revoked or refused or while a restriction is placed on the person's  
44 driver license or privilege to drive as a result of violating section 28-1381  
45 or 28-1382 or under section 28-1385.



2. Within a period of sixty months commits a third or subsequent violation of section 28-1381, section 28-1382 or this section or is convicted of a violation of section 28-1381, section 28-1382 or this section and has previously been convicted of any combination of convictions of section 28-1381, section 28-1382 or this section or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section.

3. While a person under fifteen years of age is in the vehicle, commits a violation of either:

(a) Section 28-1381.

(b) Section 28-1382.

B. The dates of the commission of the offenses are the determining factor in applying the sixty month provision provided in subsection A, paragraph 2 of this section regardless of the sequence in which the offenses were committed. For the purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.

C. The notice to a person of the suspension, cancellation, revocation or refusal of a driver license or privilege to drive is effective as provided in section 28-3318 or pursuant to the laws of the state issuing the license.

D. A person is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison if the person is convicted under either of the following:

1. Subsection A, paragraph 1 of this section.

2. Subsection A, paragraph 2 of this section and within a sixty month period has been convicted of two prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section.

E. A person who is convicted under subsection A, paragraph 2 of this section and who within a sixty month period has been convicted of three or more prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison.

~~F. In addition to any other penalty provided by law, A person who is convicted under subsection A, paragraph 3, subdivision (a) of this section shall be sentenced to SERVE at least the minimum sentence TERM OF INCARCERATION required pursuant to section 28-1381. , except that if a person has been convicted of at least two prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or convicted of at least two prior acts in another jurisdiction that if~~

~~committed in this state would be violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, within a sixty month period, the person shall be sentenced to serve at least the minimum sentence required pursuant to this section.~~

G. ~~In addition to any other penalty provided by law, A person who is convicted under subsection A, paragraph 3, subdivision (b) of this section shall be sentenced to SERVE at least the minimum sentence TERM OF INCARCERATION required pursuant to section 28-1382. , except that if a person has been convicted of at least two prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or convicted of at least two prior acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section, or any combination of those sections, within a sixty month period, the person shall be sentenced to serve at least the minimum sentence required pursuant to this section.~~

H. A person who is convicted of a violation of this section shall attend and complete alcohol or other drug screening, education or treatment from an approved facility. If the person fails to comply with this subsection and is placed on probation, in addition to the provisions of section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than four months and a total period of not more than one year.

2. For a person sentenced pursuant to subsection E of this section, for an individual period of not more than eight months and a total period of not more than two years.

I. The time that a person spends in custody pursuant to subsection H of this section shall not be counted towards the sentence imposed if the person's probation is revoked and the person is sentenced to prison after revocation of probation.

J. ON A CONVICTION FOR A VIOLATION OF THIS SECTION, the court:

1. Shall report the conviction to the department. On receipt of the report, the department shall revoke the driving privilege of the person. The department shall not issue the person a new driver license within three years of the date of the conviction and, for a conviction of a violation of subsection A, paragraph 1 or 2 or paragraph 3, subdivision (b) of this section, shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person's driving privilege following a suspension or revocation or on the date of the department's receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified

1 ignition interlock device under this paragraph shall comply with article 5 of  
2 this chapter.

3 2. In addition to any other penalty prescribed by law, shall order the  
4 person to pay an additional assessment of two hundred fifty dollars. If the  
5 conviction occurred in the superior court or a justice court, the court shall  
6 transmit the monies received pursuant to this paragraph to the county  
7 treasurer. If the conviction occurred in a municipal court, the court shall  
8 transmit the monies received pursuant to this paragraph to the city  
9 treasurer. The city or county treasurer shall transmit the monies received  
10 to the state treasurer. The state treasurer shall deposit the monies  
11 received in the driving under the influence abatement fund established by  
12 section 28-1304. Any fine imposed for a violation of this section and any  
13 assessments, restitution and incarceration costs shall be paid before the  
14 assessment prescribed in this paragraph.

15 3. Shall order the person to pay a fine of not less than seven hundred  
16 fifty dollars.

17 4. In addition to any other penalty prescribed by law, shall order the  
18 person to pay an additional assessment of one thousand five hundred dollars  
19 to be deposited by the state treasurer in the prison construction and  
20 operations fund established by section 41-1651. This assessment is not  
21 subject to any surcharge. If the conviction occurred in the superior court  
22 or a justice court, the court shall transmit the assessed monies to the  
23 county treasurer. If the conviction occurred in a municipal court, the court  
24 shall transmit the assessed monies to the city treasurer. The city or county  
25 treasurer shall transmit the monies received to the state treasurer.

26 5. In addition to any other penalty prescribed by law, shall order the  
27 person to pay an additional assessment of one thousand five hundred dollars  
28 to be deposited by the state treasurer in the state general fund. This  
29 assessment is not subject to any surcharge. If the conviction occurred in  
30 the superior court or a justice court, the court shall transmit the assessed  
31 monies to the county treasurer. If the conviction occurred in a municipal  
32 court, the court shall transmit the assessed monies to the city treasurer.  
33 The city or county treasurer shall transmit the monies received to the state  
34 treasurer.

35 K. AFTER COMPLETING THE PERIOD OF SUSPENSION REQUIRED BY SECTION  
36 28-1385, A PERSON WHOSE DRIVING PRIVILEGE IS REVOKED FOR A VIOLATION OF  
37 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION MAY APPLY TO THE DEPARTMENT FOR A  
38 SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE PURSUANT TO SECTION  
39 28-1401.

40 ~~K.~~ L. Aggravated driving or actual physical control while under the  
41 influence of intoxicating liquor or drugs committed under:

- 42 1. Subsection A, paragraph 1 or 2 of this section is a class 4 felony.
- 43 2. Subsection A, paragraph 3 of this section is a class 6 felony.

1 ~~+~~ M. For the purposes of this section, "suspension, cancellation,  
2 revocation or refusal" means any suspension, cancellation, revocation or  
3 refusal.

4 Sec. 10. Repeal

5 Section 28-1383, Arizona Revised Statutes, as amended by Laws 2005,  
6 chapter 312, section 4, is repealed.

7 Sec. 11. Section 28-3166, Arizona Revised Statutes, as amended by Laws  
8 2005, chapter 137, section 5, is amended to read:

9 28-3166. Driver license content and application; marked  
10 licenses; emancipated minors

11 A. The department shall issue a driver license to a qualified  
12 applicant. The driver license shall contain a distinguishing number assigned  
13 to the licensee, the license class, any endorsements, the licensee's full  
14 name, date of birth and residence address, a brief description of the  
15 licensee and either a facsimile of the signature of the licensee or a space  
16 on which the licensee is required to write the licensee's usual signature  
17 with pen and ink. A driver license is not valid until it is signed by the  
18 licensee. On request of an applicant, the department shall allow the  
19 applicant to provide on the driver license a post office box address that is  
20 regularly used by the applicant and that is located in the county in which  
21 the applicant resides.

22 B. An application for a driver license and the driver license issued  
23 shall contain the photo image of the applicant or licensee. The department  
24 shall use a process in the issuance of driver licenses that prohibits as  
25 nearly as possible the ability to alter or reproduce the license or that  
26 prohibits the ability to superimpose a photo image on the license without  
27 ready detection. The department shall process driver licenses and photo  
28 images in color. This subsection does not apply to a driver license that is  
29 renewed by mail pursuant to section 28-3172.

30 C. An applicant who is sixteen or older but under twenty-four years of  
31 age shall provide the department with satisfactory proof of the applicant's  
32 legal name and date of birth.

33 D. If a person is qualified for a driver license and is under the  
34 legal drinking age, the department shall issue a license that is marked by  
35 color, code or design to immediately distinguish it from a license issued to  
36 a person of legal drinking age. The department shall indicate on the driver  
37 license issued pursuant to this subsection the year in which the person will  
38 attain the legal drinking age.

39 E. THE DEPARTMENT SHALL MARK A SPECIAL IGNITION INTERLOCK RESTRICTED  
40 DRIVER LICENSE ISSUED PURSUANT TO CHAPTER 4, ARTICLE 3.1 OF THIS TITLE BY  
41 COLOR, CODE OR DESIGN TO IMMEDIATELY DISTINGUISH IT FROM OTHER LICENSES  
42 ISSUED BY THE DEPARTMENT.

43 F. IF A PERSON IS QUALIFIED FOR A DRIVER LICENSE BUT IS SUBJECT TO THE  
44 CERTIFIED IGNITION INTERLOCK DEVICE LIMITATIONS PRESCRIBED IN SECTION  
45 28-1381, 28-1382, 28-1383 OR 28-3319, THE DEPARTMENT SHALL ISSUE A LICENSE

1 THAT IS MARKED BY COLOR, CODE OR DESIGN TO IMMEDIATELY DISTINGUISH IT FROM  
2 OTHER LICENSES ISSUED BY THE DEPARTMENT.

3 ~~F.~~ G. The department shall not include information in the magnetic  
4 stripe and bar code of a driver license other than information that the  
5 department is authorized to obtain and place on a driver license pursuant to  
6 this article.

7 ~~F.~~ H. If a minor has been emancipated pursuant to title 12, chapter  
8 15, on application and proof of emancipation, the department shall issue a  
9 driver license that contains the words "emancipated minor".

10 Sec. 12. Repeal

11 Section 28-3166, Arizona Revised Statutes, as amended by Laws 2005,  
12 chapter 312, section 11, is repealed.

13 Sec. 13. Section 33-1476.01, Arizona Revised Statutes, as amended by  
14 Laws 2005, chapter 326, section 4, is amended to read:

15 33-1476.01. Change in use; notices; compensation for moving  
16 expenses; payments by the landlord

17 A. The landlord shall notify the director and all tenants in writing  
18 of a change in use at least one hundred eighty days before the change in  
19 use. The landlord may not increase rent within ninety days before giving  
20 notice of a change in use.

21 B. The landlord shall inform all tenants in writing about the mobile  
22 home relocation fund established in section 33-1476.02.

23 C. If a tenant is required to move due to a change in use or  
24 redevelopment of the mobile home park, the tenant may do any of the  
25 following:

26 1. Collect payment from the mobile home relocation fund for the lesser  
27 of the actual moving expenses of relocating the mobile home to a new location  
28 that is within a fifty mile radius of the vacated mobile home park or five  
29 thousand dollars for a single section mobile home or ten thousand dollars for  
30 a multisection mobile home. Moving expenses include the cost of taking down,  
31 moving and setting up the mobile home in the new location.

32 2. Abandon the mobile home in the mobile home park and collect an  
33 amount equal to one-fourth of the maximum allowable moving expense for that  
34 mobile home from the mobile home relocation fund. To qualify for abandonment  
35 payment pursuant to this paragraph, the tenant shall deliver to the landlord  
36 the current title to the mobile home with the notarized endorsement of the  
37 owner of record together with complete releases of all liens that are shown  
38 on the title and proof that all taxes owing on the mobile home have been paid  
39 to date. The tenant shall provide a copy of these documents to the  
40 department of FIRE, building and fire LIFE safety in support of the tenant's  
41 application for payment. If the tenant chooses to abandon the mobile home  
42 pursuant to this paragraph, the landlord is exempt from making the payments  
43 to the fund prescribed in subsection D of this section.

44 3. If a mobile home is relocated to a location outside of the vacated  
45 mobile home park and, in the sole judgment of the director, the mobile home

1 was ground set in the mobile home park from which it was removed, the tenant  
2 may collect additional monies not to exceed two thousand five hundred dollars  
3 for the incremental costs of removing a ground set mobile home. These monies  
4 are in addition to any monies provided pursuant to paragraph 1 of this  
5 subsection.

6 D. Except as provided in subsection C, paragraph 2 and subsection F of  
7 this section and section 33-1476.04, subsection D, if there is a change in  
8 use the landlord shall pay five hundred dollars for each single section  
9 mobile home and eight hundred dollars for each multisection mobile home  
10 relocated to the fund for each tenant filing for relocation assistance with  
11 the director.

12 E. If a change in use occurs before the time stated in the statements  
13 of policy and the landlord does not comply with subsection A of this section  
14 and with section 33-1436 and section 33-1476, subsection H, the landlord  
15 shall pay to the fund in addition to the monies prescribed in subsection D of  
16 this section:

17 1. Five hundred dollars for each mobile home space occupied by a  
18 single section mobile home.

19 2. Eight hundred dollars for each mobile home space occupied by a  
20 multisection mobile home.

21 F. The landlord is not required to make the payments prescribed in  
22 subsections D and E of this section for moving mobile homes owned by the  
23 landlord or for moving a mobile home under a contract with the tenant if the  
24 tenant does not file for relocation assistance with the director.

25 G. If a change in use occurs within two hundred seventy days of  
26 relocations under section 33-1476.04, the landlord shall pay to the fund in  
27 addition to the monies prescribed in subsection D of this section:

28 1. Five hundred dollars for each mobile home space occupied by a  
29 single section mobile home.

30 2. Eight hundred dollars for each mobile home space occupied by a  
31 multisection mobile home.

32 H. The tenant shall submit a contract for relocation of a mobile home  
33 for approval to the director within sixty days after the relocation to be  
34 eligible for payment of relocation expenses. The director must approve or  
35 disapprove the contract within fifteen days after receipt of the contract, or  
36 the contract is deemed to be approved. The payment of expenses shall be made  
37 as provided in the rules adopted by the director. If the contract is not  
38 approved, the tenant may appeal to the hearing officer.

39 I. If this state or a political subdivision of this state exercises  
40 eminent domain and the mobile home park is sold or a sale is made to this  
41 state or a political subdivision of this state that intends to exercise  
42 eminent domain, the state or political subdivision is responsible for the  
43 relocation costs of the tenants.

J. If a tenant is vacating the premises and has informed the landlord or manager before the change in use notice has been given, the tenant is not eligible for compensation under this section.

K. A person who purchases a mobile home already situated in a park or moves a mobile home into a park in which a change in use notice has been given is not eligible for compensation under this section.

L. This section does not apply to a change in use if the landlord moves a tenant to another space in the mobile home park at the landlord's expense.

Sec. 14. Repeal

Section 33-1476.01, Arizona Revised Statutes, as amended by Laws 2005, chapter 245, section 4, is repealed.

Sec. 15. Section 33-1476.02, Arizona Revised Statutes, as amended by Laws 2005, chapter 326, section 5, is amended to read:

33-1476.02. Mobile home relocation fund; investment of monies

A. The mobile home relocation fund is established consisting of monies collected pursuant to section 33-1476.03 and any surcharge collected pursuant to section 33-1437. The director shall administer the fund.

B. Fund monies shall be used as prescribed in sections 33-1476.04 and 41-2157 and to pay premiums and other costs of purchasing, from a private insurer who is licensed to transact insurance business in this state, insurance coverage for tenant relocation costs due to a change in use as prescribed in section 33-1476.01. Any insurance rebates shall be deposited in the fund. If such insurance is not available, or if the insurance costs exceed the amount available from the fund, the fund shall be used to make direct payments for tenant relocation costs. Monies in the fund in excess of the amount required for these purposes shall be used, as necessary, to support the department of FIRE, building and fire LIFE safety's administration of the hearing function under title 41, chapter 16, article 5 and the department of building and fire safety's administration of section 33-1437, subsection C.

C. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. Any unexpended and unencumbered monies remaining in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve.

D. The director may adopt, amend or repeal rules pursuant to title 41, chapter 6 for the administration of the fund. Fund monies shall be paid to the department of FIRE, building and fire LIFE safety to offset the costs of administering the fund including the direct and indirect costs of processing applications for reimbursement submitted under section 41-2157 and administering the direct and indirect costs of section 33-1437, subsection C. The attorney general shall review the costs charged to the fund.

1           Sec. 16. Repeal

2           Section 33-1476.02, Arizona Revised Statutes, as amended by Laws 2005,  
3 chapter 245, section 5, is repealed.

4           Sec. 17. Section 41-723, Arizona Revised Statutes, as amended by Laws  
5 2002, chapter 210, section 11, is amended to read:

6           41-723. Governor's office of strategic planning and budgeting:  
7                     duties

8           ~~A. The director shall designate a person to be in charge of~~  
9 ~~preparation of the executive budget as the federal state fiscal research~~  
10 ~~officer.~~

11           ~~B. The director or the federal state fiscal research officer~~ OF THE  
12 GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING shall:

13           1. Confer with officials of federal agencies concerning grants-in-aid  
14 generally, and particularly in regard to federal-aid programs in progress in  
15 ~~the~~ THIS state ~~of Arizona~~.

16           2. Report to the legislature at each regular session findings and  
17 recommendations in the following areas:

18           (a) The total amount of federal grants-in-aid received by ~~Arizona~~  
19 agencies OF THIS STATE during the preceding fiscal year.

20           (b) The total amount of federal grants-in-aid available to ~~Arizona~~  
21 agencies OF THIS STATE during the preceding fiscal year, giving reasons for  
22 any difference between the amount of ~~funds~~ MONIES available to and the amount  
23 of ~~funds~~ MONIES accepted by ~~Arizona~~ agencies OF THIS STATE in all federal  
24 grant-in-aid programs.

25           (c) The adequacy of grant-in-aid programs in progress in ~~the~~ THIS  
26 state ~~of Arizona~~.

27           (d) Federal grant-in-aid programs in which the state does not  
28 participate.

29           (e) Legislation necessary for activation of federal programs in which  
30 the state does not participate.

31           (f) Legislation necessary for improved operation of federal  
32 grant-in-aid programs in progress in the state of Arizona.

33           (g) Advisability of accepting new grant-in-aid programs or  
34 discontinuing programs already in progress.

35           3. Have access to the books, accounts, reports and vouchers and all  
36 other pertinent records of all state agencies for the purpose of carrying out  
37 the provisions of this section.

38           Sec. 18. Repeal

39           Section 41-723, Arizona Revised Statutes, as amended by Laws 2005,  
40 chapter 331, section 9, is repealed.

41           Sec. 19. Repeal

42           Laws 2005, chapter 314, sections 1 and 4 are repealed.

43           Sec. 20. Retroactive application

44           A. Sections 17, 18 and 19 of this act apply retroactively to August  
45 12, 2005.



1           B. Section 6 of this act applies retroactively to from and after  
2 December 31, 2005.

3           C. Sections 9, 10, 11 and 12 of this act apply retroactively to from  
4 and after January 31, 2006.

5           D. Sections 2, 3, 4, 5, 7, 8, 13, 14, 15 and 16 of this act apply  
6 retroactively to from and after June 30, 2006.